THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.8987 of 1996

DATE: 1-9-2005

Between:

Saride Venkata Ratnam ….. Petitioner

And

1. **The Commissioner of Endowments, Hyderabad**

And two others …. Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.8987 of 1996

ORAL ORDER:

The proceedings dated 29-3-1996 of the 3rd respondent, whereby the petitioner was informed that he was not entitled for 1993 PRC scales from 1-3-1996 onwards, was instructed to remit the differential amount of Rs.4324/- as he was eligible to draw only 1986 PRC scales, is impugned in this writ petition.

The proceedings of the 3rd respondent dated 29-3-1996, is based on the proceedings of the Deputy Commissioner of Endowments in R.C.No.B5/9046/95 dated 22-3-1996. The 3rd respondent also states that the said order was passed as per the instructions issued to him by the Deputy Commissioner (2nd respondent). No counter affidavit is filed on behalf of respondents 1 and 2. In the counter affidavit filed by the 3rd respondent, it is stated that fixation of pay scales of the petitioner in 1993 PRC was unwarranted and that the then Executive Officer of the 3rd respondent – temple had acted against the directions of the Commissioner in fixing the pay of the petitioner in a higher scale of pay and it was only in such circumstances that the Deputy Commissioner of Endowments, in his proceeding dated 22-3-1996, had instructed the deponent to permit the petitioner to draw the old scale of pay and not the 1993 PRC scales.

The impugned order dated 29-3-1996 results in civil consequences since implementation of the said order would entail reduction of the pay, which the petitioner was drawing, under 1993 PRC scales. It was therefore necessary for 3rd

respondent to have put the petitioner on notice asking him to show cause as to why the benefit of 1993 PRC scales given to him earlier should not be withdrawn and to show cause as to why he should not be asked to remit the difference in salary, received by him under 1993 PRC scales as against his entitlement of 1986 PRC scales of pay. Learned counsel for the petitioner would submit that the order of the Deputy Commissioner has not even been communicated to the petitioner and the petitioner was not aware of the reasons as to why he was being deprived of being continued the benefit of 1993 PRC Scales.

The impugned order dated 29-3-1996 is in violation of principles of natural justice and is therefore required to be set aside. Needless to state that it is always open to the authorities concerned to take appropriate action in accordance with law after complying with the rules of natural justice.

The writ petition is accordingly allowed. No order as to costs.

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1-9-2005

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